

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

20 CR 437 (NRB)

5 KARIM ELKORANY,

6 Defendant.

Telephone Conference

7 -----x  
8 New York, N.Y.  
9 February 9, 2021  
10 10:35 a.m.

11 Before:

12 HON. NAOMI REICE BUCHWALD,

13 District Judge

14 APPEARANCES

15 AUDREY STRAUSS

16 United States Attorney for the  
17 Southern District of New York

18 BY: DANIEL RICHENTHAL

LARA POMERANTZ

Assistant United States Attorneys

19 CARDI & EDGAR LLP

Attorneys for Defendant

20 BY: DAWN M. CARDI

21 CHAD L. EDGAR  
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1 (Case called)

2 THE COURT: Good morning. This is Judge Buchwald.

3 Who is on the phone for the government?

4 MS. POMERANTZ: Good morning, your Honor, Lara

5 Pomerantz and Daniel Richenthal for the government.

6 THE COURT: Who is on the phone for the defendant?

7 MS. CARDI: Good morning, your Honor, Dawn Cardi and

8 Chad Edgar for Mr. Elkorany, who is also present on the phone.

9 THE COURT: Mr. Elkorany, I just want to confirm that  
10 back in September you signed a consent to proceed by

11 teleconference going forward. Is it still your agreement?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Could I get a status update on this case,  
14 please.

15 MS. POMERANTZ: Yes, your Honor.

16 The government has produced or made available all Rule  
17 16 discovery currently in our possession. We expect that we  
18 will have another limited production in the near future, but we  
19 have produced the underlying search warrant which was served on  
20 Apple.

21 We requested a hard drive from defense counsel in mid  
22 January to produce additional electronic images of certain  
23 devices. Those are copies of certain of the electronic devices  
24 that were seized from his residence. We have not yet received  
25 such a hard drive from defense counsel, but we anticipate

1 receiving that some time this week from them, we understand,  
2 but we also have already produced copies of several of his  
3 other electronic devices comprising the bulk of what was  
4 received.

5           Since we last appeared before the Court, a review of  
6 the defendant's devices and other electronic materials for  
7 privileged materials or attorney work product is underway. And  
8 once the potentially privileged materials are segregated, we  
9 will identify the responsive materials and produce that set to  
10 the defendant. But, as noted, he already has full images, to  
11 the extent he has requested them, and provided a hard drive.  
12 That is, your Honor, to say, other than a small set for which  
13 he has not provided a hard drive since we requested one last  
14 month.

15           With that, your Honor, the government would propose  
16 setting a motion schedule today.

17           THE COURT: Ms. Cardi, do you want to add anything?

18           MS. CARDI: We are in agreement with the government,  
19 and we are prepared to set a motion schedule today. We would  
20 like 90 days to file motions in this matter.

21           THE COURT: Do you have a specific date in mind?

22           MS. CARDI: Well, let me just say, I haven't looked,  
23 but I will right now -- I would say May 10, your Honor.

24           THE COURT: Ms. Pomerantz, how long would the  
25 government like --

1 MS. POMERANTZ: Your Honor, as an initial matter, we  
2 would request an earlier date in terms of starting the motion  
3 practice. The defense counsel has already received the  
4 materials needed to make motions, namely, search warrant  
5 affidavits and other materials and has had this for some time.  
6 In light of there being multiple victims of the offenses and  
7 the nature of the offenses, we would like to move this case  
8 forward. We would propose a schedule that's more expedited.

9 MS. CARDI: Your Honor, if you want me to respond.

10 THE COURT: Sure.

11 MS. CARDI: Or not.

12 THE COURT: You can say what you wish.

13 MS. CARDI: Your Honor, these are some very, we  
14 believe, very unique and perhaps first-impression motions, some  
15 of them. There is an enormous amount of discovery that we have  
16 had to review. And we really do need that period of time in  
17 order to prepare the motions that we think are appropriate and  
18 relevant in this case.

19 In terms of my schedule, we are doing trials in the  
20 state court by video. I have a civil practice. I have two  
21 trials scheduled.

22 Under all of the circumstances, I think that that is  
23 the best I can do in terms of when these motions would be due.

24 THE COURT: I want you to do your best, so May 10 is  
25 the date.

1 MS. CARDI: Thank you.

2 THE COURT: Ms. Pomerantz, when do you propose to  
3 submit the government's response?

4 MS. POMERANTZ: Your Honor, I think given the schedule  
5 and what Ms. Cardi just said, we would ask for 30 days.

6 THE COURT: June 10. OK?

7 MS. POMERANTZ: OK, your Honor. Thank you.

8 THE COURT: Ms. Cardi.

9 MS. CARDI: I consent to speedy trial time.

10 THE COURT: Reply papers.

11 MS. CARDI: I'm sorry. Reply papers. Three weeks,  
12 your Honor, and that would be the 1st of July.

13 THE COURT: I assume that there is no objection to  
14 waiving the speedy trial time until July 1, correct?

15 MS. CARDI: That's correct.

16 THE COURT: I find that a continuance until July 1  
17 serves the ends of justice and outweighs the best interests of  
18 the public and the defendant in a speedy trial and it will  
19 permit time for defense counsel to make motions that it is  
20 intending to and for the government to respond.

21 Is there anything else at this time?

22 MS. CARDI: No, your Honor.

23 THE COURT: Ms. Pomerantz.

24 MS. POMERANTZ: Your Honor, just to make sure I am  
25 clear, I know you mentioned excluding speedy trial time through

1 July 1. Is July 1 the date --

2 THE COURT: It is the date the reply papers are due.  
3 As you know, there is then an automatic 30-day extension that  
4 applies. After we get the papers, we will either -- I don't  
5 know what the motions are. I don't have any concept of what's  
6 coming. We will see if it is necessary to schedule a hearing,  
7 I don't know, or whether oral argument is appropriate. Maybe  
8 neither of them. And we will give you a written decision.

9 7/1 is simply the end of the briefing, which will then  
10 start an automatic extension of the speedy trial clock.

11 MS. POMERANTZ: Understood, your Honor. Thanks very  
12 much. That was very helpful.

13 THE COURT: Anything else, anybody?

14 MS. POMERANTZ: Nothing from the government.

15 THE COURT: Thank you, everyone. Please stay well.

16 (Adjourned)  
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